

MTC EXHIBIT B

DISCOVERY RE: BNSF'S MANAGERS FINANCIAL INCENTIVES

BUTLER'S 4TH REQUEST FOR PRODUCTION NO. 6: A copy of the Performance Management Process (PMP) evaluations, goals, metrics and ratings (and the metrics used or relied upon by BNSF management for each evaluation) for each of the following BNSF employees involved in the decision to conduct, hold, continue, pursue, terminate, cancel, preserve evidence or who testified at the formal disciplinary investigation BNSF conducted concerning the August 19, 2021, hard coupling involving Caleb Butler, Jeremy Pennington, and Jonatan Cardoza, including:

- a. Jeff Madden
- b. Chad Nesteby
- c. Dentin Chapman
- d. Janssen Thompson
- e. John Murphy
- f. BNSF's Law Department employees referenced in BNSF's Answers to Pennington's Interrogatory Nos. 1 and 5.

RESPONSE (Dated June 16, 2023): BNSF objects to this Request because it is overly broad in time and scope; seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it is not proportional to the needs of this case; and it seeks confidential, private, personal, or privileged information about persons not party to this lawsuit without their consent or BNSF/Butler and Pennington/disc/Resp to Butler RFP4 authorization. Further, this Request includes confidential and proprietary business information, strategy, and objectives and information this are not relevant or reasonably calculated to lead to the discovery of admissible evidence and are not proportional to the needs of this case. Subject to and without waiving the foregoing objections, BNSF is withholding documents subject to the above objections.

BUTLER'S 4TH REQUEST FOR PRODUCTION NO. 7: BNSF's Incentive Compensation Plan and / or BNSF's Incentive Compensation Process for the year 2021.

RESPONSE (Dated June 16, 2023): BNSF will produce a document responsive to this Request pursuant to a protective order which will follow for Plaintiff's review and approval.

BUTLER'S 4TH REQUEST FOR PRODUCTION NO. 8: Documents containing information or data regarding metrics, goals, objectives, self-ratings, and supervisor ratings, and whether or not ICP bonuses and/or merit raises would be given to for each of the following BNSF employees involved in the decision to conduct, hold, continue, pursue, terminate, cancel, preserve evidence or who testified at the formal disciplinary investigation BNSF conducted concerning the August 19, 2021, hard coupling involving Caleb Butler, Jeremy Pennington, and Jonatan Cardoza, including:

- a. Jeff Madden
- b. Chad Nesteby
- c. Dentin Chapman
- d. Janssen Thompson

e. John Murphy

f. BNSF's Law Department employees referenced in BNSF's Answers to Pennington's Interrogatory Nos. 1 and 5.

RESPONSE (Dated June 16, 2023): BNSF objects to this Request because it is overly broad in time and scope; seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it is not proportional to the needs of this case; and it seeks confidential, personal, private or privileged information about persons not party to this lawsuit without their consent or authorization. Further, this Request includes confidential and proprietary business information, strategy, and objectives that are not relevant or reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of this case. Subject to these objections, BNSF is withholding a document responsive to this Request.

BUTLER'S 4TH REQUEST FOR PRODUCTION NO. 9: Performance Management Process (PMP) and / or Incentive Compensation Program (ICP) reports from 2019 to 2022 for each of the following BNSF employees involved in the decision to conduct, hold, continue, pursue, terminate, cancel, preserve evidence or who testified at the formal disciplinary investigation BNSF conducted concerning the August 19, 2021, hard coupling involving Caleb Butler, Jeremy Pennington, and Jonatan Cardoza, including: BNSF/Butler and Pennington/disc/Resp to Butler RFP4

a. Jeff Madden

b. Chad Nesteby

c. Dentin Chapman

d. Janssen Thompson

e. John Murphy

f. BNSF's Law Department employees referenced in BNSF's Answers to Pennington's Interrogatory Nos. 1 and 5.

RESPONSE (Dated June 16, 2023): BNSF objects to this Request because it is overly broad in time and scope; seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it is not proportional to the needs of this case; and it seeks confidential, personal, private or privileged information about persons not party to this lawsuit without their consent or authorization. Further, this Request includes confidential and proprietary business information, strategy, and objectives that are not relevant or reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of this case. Subject to and without waiving the foregoing objections, BNSF is withholding documents subject to the above objections.

BUTLER'S 4TH REQUEST FOR PRODUCTION NO. 10: For the year 2021, BNSF's Safety Metrics and Reporting and / or Corporate Goals and / or Scorecard for each of the following BNSF employees involved in the decision to conduct, hold, continue, pursue, terminate, cancel, preserve evidence or who testified at the formal disciplinary investigation BNSF conducted concerning the August 19, 2021, hard coupling involving Caleb Butler, Jeremy Pennington, and Jonatan Cardoza, including:

a. Jeff Madden

b. Chad Nesteby

c. Dentin Chapman

d. Janssen Thompson

e. John Murphy

f. BNSF's Law Department employees referenced in BNSF's Answers to Pennington's Interrogatory Nos. 1 and 5.

RESPONSE (Dated June 16, 2023): BNSF objects to this Request because it is overly broad; seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it is not proportional to the needs of this case; and it seeks confidential, personal, private or privileged information about persons not party to this lawsuit without their consent or authorization. Further, this Request includes confidential and proprietary business information, strategy, and objectives that are not relevant or reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of this case. Subject to and without waiving the foregoing objections, BNSF has no documents responsive to this Request.